



Rep. Michael P. McAuliffe

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09800SB0852ham001

LRB098 05078 RPM 59817 a

1 AMENDMENT TO SENATE BILL 852

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 852 as follows:

3 on page 1, line 5, by replacing "Section 45" with "Sections 35  
4 and 45"; and

5 on page 1, immediately below line 5, by inserting the  
6 following:

7 "(410 ILCS 82/35)

8 Sec. 35. Exemptions. Notwithstanding any other provision  
9 of this Act, smoking is allowed in the following areas:

10 (1) Private residences or dwelling places, except when  
11 used as a child care, adult day care, or healthcare  
12 facility or any other home-based business open to the  
13 public.

14 (2) Retail tobacco stores as defined in Section 10 of  
15 this Act in operation prior to the effective date of this

1       amendatory Act of the 95th General Assembly. The retail  
2       tobacco store shall annually file with the Department by  
3       January 31st an affidavit stating the percentage of its  
4       gross income during the prior calendar year that was  
5       derived from the sale of loose tobacco, plants, or herbs  
6       and cigars, cigarettes, pipes, or other smoking devices for  
7       smoking tobacco and related smoking accessories. Any  
8       retail tobacco store that begins operation after the  
9       effective date of this amendatory Act may only qualify for  
10      an exemption if located in a freestanding structure  
11      occupied solely by the business and smoke from the business  
12      does not migrate into an enclosed area where smoking is  
13      prohibited.

14           (3) (Blank).

15           (4) Hotel and motel sleeping rooms that are rented to  
16      guests and are designated as smoking rooms, provided that  
17      all smoking rooms on the same floor must be contiguous and  
18      smoke from these rooms must not infiltrate into nonsmoking  
19      rooms or other areas where smoking is prohibited. Not more  
20      than 25% of the rooms rented to guests in a hotel or motel  
21      may be designated as rooms where smoking is allowed. The  
22      status of rooms as smoking or nonsmoking may not be  
23      changed, except to permanently add additional nonsmoking  
24      rooms.

25           (5) Enclosed laboratories that are excluded from the  
26      definition of "place of employment" in Section 10 of this

1 Act. Rulemaking authority to implement this amendatory Act  
2 of the 95th General Assembly, if any, is conditioned on the  
3 rules being adopted in accordance with all provisions of  
4 the Illinois Administrative Procedure Act and all rules and  
5 procedures of the Joint Committee on Administrative Rules;  
6 any purported rule not so adopted, for whatever reason, is  
7 unauthorized.

8 (6) Common smoking rooms in long-term care facilities  
9 operated under the authority of the Illinois Department of  
10 Veterans' Affairs or licensed under the Nursing Home Care  
11 Act that are accessible only to residents who are smokers  
12 and have requested in writing to have access to the common  
13 smoking room where smoking is permitted and the smoke shall  
14 not infiltrate other areas of the long-term care facility.  
15 Rulemaking authority to implement this amendatory Act of  
16 the 95th General Assembly, if any, is conditioned on the  
17 rules being adopted in accordance with all provisions of  
18 the Illinois Administrative Procedure Act and all rules and  
19 procedures of the Joint Committee on Administrative Rules;  
20 any purported rule not so adopted, for whatever reason, is  
21 unauthorized.

22 (7) A convention hall of the Donald E. Stephens  
23 Convention Center where a meeting or trade show for  
24 manufacturers and suppliers of tobacco and tobacco  
25 products and accessories is being held, during the time the  
26 meeting or trade show is occurring, if the meeting or trade

1       show:

2               (i) is a trade-only event and not open to the  
3       public;

4               (ii) is limited to attendees and exhibitors that  
5       are 21 years of age or older;

6               (iii) is being produced or organized by a business  
7       relating to tobacco or a professional association for  
8       convenience stores; and

9               (iv) involves the display of tobacco products.

10              Smoking is not allowed in any public area outside of  
11      the hall designated for the meeting or trade show.

12              This paragraph (7) is inoperative on and after October  
13      1, 2015.

14      (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;  
15      96-1357, eff. 1-1-11.)".